

COMPLAINT

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UNIVERSITY OF PENNSYLVANIA a/k/a PENNSYLVANIA HOSPITAL, acted through its agents, servants and/or employees, who were acting in the scope and course of their employment with Defendant TRUSTEES OF THE HOSPITAL OF THE UNIVERSITY OF PENNSYLVANIA a/k/a PENNSYLVANIA HOSPITAL.

III. JURISDICTION AND VENUE

4. Jurisdiction of this dispute is conferred by virtue of the diversity of citizenship of the litigants pursuant to 28 U.S.C. Section 1332, et. seq.

5. Venue is proper as the causes of actions arose in this district.

IV. STATEMENT OF FACTS

NEGLIGENCE

6. On or about April 17, 2003 at approximately 7:00 p.m., the Plaintiff, RUSSELL SPANBAUER, while exercising due care and caution for his person, was walking down an internal stairway of Pennsylvania Hospital, Philadelphia, Pennsylvania and slipped on an accumulation of residue and dust due to improper maintenance. As a direct result of the negligent conduct of Defendant, Plaintiff sustained personal injuries.

7. As a result of the aforementioned negligence, Plaintiff, RUSSELL SPANBAUER, sustained the following injuries, including, but not limited to: back, disc herniation and free disc fragment at L4-L5, radiculopathy resulting in laminectomy, discectomy and posterior interbody fusion and, other personal injuries which may be determined in the future.

8. The aforementioned negligence of Defendant and their agent, servant and employees, were the proximate cause of the injuries sustained by Plaintiff, RUSSELL SPANBAUER.

9. As a direct and proximate result of the aforementioned negligence of Defendant,

Plaintiff, RUSSELL SPANBAUER, has been obligated to spend and/or incur medical bills, and has suffered severe physical pain and mental anguish.

10. As a further result of the aforementioned negligence of Defendant, Plaintiff, RUSSELL SPANBAUER, has suffered great physical pain, disfigurement, mental anguish, humiliation, inconvenience and the loss of life's pleasure and has been and will continue to be unable to perform her usual vocations and avocations. Plaintiff, RUSSELL SPANBAUER, will continue to suffer same for an indefinite time in the future.

11. As a further result of the aforementioned negligence of Defendants, Plaintiff, RUSSELL SPANBAUER has been unable to perform his usual vocations and avocations causing Plaintiff to sustain loss of income and loss of earning capacity. Plaintiff, RUSSELL SPANBAUER, will continue to suffer same for an indefinite time in the future.

WHEREFORE, the Plaintiffs pray this lawful Court shall enter a judgment against the Defendant:

- (a) awarding Plaintiffs compensatory damages as provided by law, not in excess of \$150,000.00 along with interest and costs to suit;
- (b) for delay damages as provided by the laws of the Commonwealth of Pennsylvania; and,
- (c) for such additional and further equitable relief as may be just and equitable.

SECOND COUNT

LOSS OF CONSORTIUM

12. At all times relevant hereto, Plaintiff, AMELIA SPANBAUER, was and remains the wife of Plaintiff, RUSSELL SPANBAUER.

13. As a result of the injuries to Plaintiff, RUSSELL SPANBAUER, heretofore described, Plaintiff, AMELIA SPANBAUER, has sustained a loss of consortium, i.e. society, companionship, services and sexual relations.

WHEREFORE, the Plaintiffs pray this lawful Court shall enter a judgment against the Defendant:

(a) awarding the Plaintiffs compensatory damages as provided by law, not in excess of \$150,000.00 along with interest and costs of suit;

(b) for delay damages as provided by the laws of the Commonwealth of Pennsylvania; and

(c) for such additional and further equitable relief as may be just and equitable.

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DATE: